

EXHIBIT I

October 23, 2017

U.S. Department of Homeland Security
U S Citizenship and Immigration Services
P O Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services

DUSTIN R BAXTER
KUCK IMMIGRATION PARTNERS
365 NORTHRIDGE RD SUITE 300
ATLANTA, GA 30350
USA

[REDACTED]
IOE [REDACTED]

A [REDACTED]

RE: JESSICA MAYELI COOTL COYOTL
I-821D, Deferred Action for Childhood Arrivals

DECISION

USCIS has evaluated your renewal request for Form I-821D, Consideration of Deferred Action for Childhood Arrivals (DACA). Based upon a review of your case, it appears that the following occurred:

Pursuant to a court order issued by the U.S. District Court for the Northern District of Georgia on June 12, 2017, Colotl-Coyotl v. Kelly, No. 17-cv-1670 (N.D. Ga.), USCIS reopened your Form I-821D and Form I-765, Application for Employment Authorization.

While your re-opened renewal request was pending, U.S. Immigration and Customs Enforcement (ICE) informed USCIS of the following: that ICE opposed your motions to administratively close your case with the Executive Office for Immigration Review; that on July 10, 2017, an Immigration Judge denied your motion to administratively close your proceedings; that ICE is actively seeking a final order of removal against you in immigration proceedings; and that ICE intends to remove you if an administratively final order of removal is issued.

Deferred action is not a form of protection from removal; rather it is merely an acknowledgement that the Department of Homeland Security does not at that time intend to pursue removal. Since ICE informed USCIS that it was actively pursuing your removal, USCIS did not contemporaneously conclude that removal action should continue to be deferred in your case.

Accordingly, USCIS determined, in its unreviewable discretion, that you did not warrant a favorable exercise of prosecutorial discretion. On August 18, 2017, USCIS issued you a Notice of Intent to Deny (NOID) in order to provide you with an opportunity to respond to that determination in light of the Court's orders in Colotl-Coyotl v. Duke, No. 17-cv-1670 (N.D. Ga.). USCIS received your response to that NOID on September 19, 2017.

USCIS has reviewed and considered the information provided in your response to the NOID. Since ICE has confirmed to USCIS that it continues to actively pursue your removal, USCIS will not contemporaneously conclude that removal action should be deferred in your case. As noted on page 11 and 12 of the instructions to the Form I-821D, even if a requestor satisfies the threshold criteria for consideration of DACA, USCIS may deny their request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted. Moreover, as stated in the June 15, 2012

DACA memorandum, DHS cannot provide any assurance that deferred action will be granted in all cases.

Accordingly, USCIS has determined in its unreviewable discretion, that you have not demonstrated that you warrant a favorable exercise of prosecutorial discretion and it will not defer action in your matter. Accordingly, your Form I-765 has also been denied. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion. You may not file an appeal or motion to reopen/reconsider this decision.

Sincerely,

Kristine R Crandall
Kristine R. Crandall, Acting
Director
Officer: 0996

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